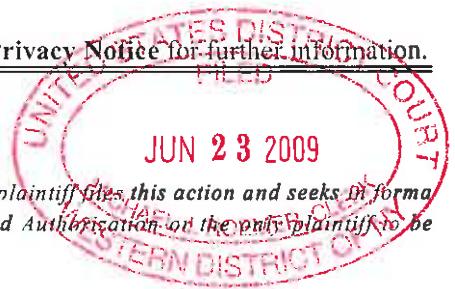


Revised 03/06 WDNY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)



All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff files this action and seeks *in forma pauperis* status, each plaintiff must submit an *in forma pauperis* application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. CHANIKKA MARIETTA LATRICE DAVIS-PAYNE

2. \_\_\_\_\_

-VS- SEE ATTACHED SHEET #1

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. Superintendent William Powers	4. CO. D. Robinson, Ms.
2. Dept of Security Study Amoa	5. Albion Correctional Facility
3. Dr. Singh	6. Investigator Kendra
7. Captain Anthony Wiley	8. Investigator Sprangler (9.) DIRECTOR SHILD Director SHILD 10. Sgt. Richardson

13.) PO. WALCZYK

14.) CO. MS. Johnson

2. STATEMENT OF JURISDICTION

11.) Grievant supervisor Ms. Lodney

12.) CO. D. Berry, Esq.

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: CHANIKKA MARIETTA LATRICE DAVIS PAYNE 0760308

Present Place of Confinement & Address: Special Housing Unit, Albion Correctional Facility  
3595 State School Rd, Albion, New York 14412

Name and Prisoner Number of Plaintiff: \_\_\_\_\_

Present Place of Confinement & Address: \_\_\_\_\_

#1

B Names of defendants

- 7.) Captain Anthony Wiley
- 8.) Investigator Spangler
- 9.) Director Sstu Norman Bezio
- 10.) Sgt. T Richardson
- 11.) Grievant Supervisor MS. LOONEY,
- 12.) CO. D. Berghoef
- 13.) CO. WALCZYK
- 14.) CO. Ms. Johnson

**DEFENDANT'S INFORMATION** NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: MS. D. Robinson

(If applicable) Official Position of Defendant: Correctional Officer

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: Albion Correctional Facility

Name of Defendant: Sandy Amia

(If applicable) Official Position of Defendant: Deputy of Security

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: Albion Correctional Facility

Name of Defendant: William Powers

(If applicable) Official Position of Defendant: Superintendent

(If applicable) Defendant is Sued in    Individual and/or X Official Capacity

Address of Defendant: Albion Correctional Facility

SEE ATTACHED(2)

**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes    No X

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

ON THE DATE OF INCIDENT 3/30 - present

DEFENDANT (give name and position held of each defendant involved in this incident)

MS. D. Robinson, Ms. Johnson, Mr. Walczyk, MR. D. Benchford, positions:  
Correctional officers, Albion Correctional facility AS A WHOLE

did the following to me Refusal of Recreational, stealing property by taking magazines mail, refusing my allowed property, purposely mis-handling packages, to interrupt me receiving packages, harassing me because I received them, taunting and threatening me because I received them, reading mail, stealing personal mail of mines, causing distress and humiliation

THE CONSTITUTIONAL BASIS FOR THIS CLAIM UNDER 42 USC § 1983 IS: 1st Amendment  
14th Amendment, due process, mandatory recreational, dehumanization / threats

THE RELIEF I AM SEEKING FOR THIS CLAIM IS \$600,000 monetary damages  
and charges placed on them.

EXHAUSTION OF YOUR REMEDIES FOR THIS CLAIM

Did you grieve or appeal this claim ✓ yes — NO IF YES WHAT RESULT denied

Did you appeal that decision ✗ yes — NO IF YES WHAT RESULT denied

If you did not EXHAUST YOUR ADMINISTRATIVE REMEDIES, STATE WHY YOU DID NOT DO SO  
Facility refuses to investigate and handle grievances properly also refuses  
to pull video surveillance for witness to incidents. If you do not receive  
this on 6/8 it is additional proof along with my writing on envelope.

ON THE DATE OF INCIDENT 1/30/09

defendant (give name and position of each defendant involved in this incident )  
— M.S. LOONEY GREIVANT SUPERVISOR

did this to me  
them looked at or addressed, also delayed some grievances, is not  
Assisting in proper procedures for grievances, causing medical malpractice  
to continue and due process interrupted, aiding in numerous violations  
concerning packages property harassment mail refusal and duress.

The constitutional basis for this claim under 42 USC 1983 is, 1st Amendment  
8th Amendment (14th Amendment, mail refusal, grievance process refusal).

The relief I am seeking for this claim is \$300,000

exhaustion of your remedies for this claim .

Did you grieve or appeal this claim  YES — NO if yes what result

PAPER WORK DISAPPEARED

Name of Defendant G. Kendra

(if applicable) Official Position of Defendant N.Y.S. Docs Investigator

(if applicable) Defendant is sued in Y individual and/or X official capacity

Address of Defendant Albany

Name of Defendant J. Spengler

(if applicable) Official Position of defendant NYS Docs Investigator

(if applicable) Defendant is sued in X individual and/or X official capacity

Address of Defendant Albany

Name of Defendant T. Richardson

(if applicable) Official Position of Defendant Special Housing Unit Sargent

(if applicable) Defendant is sued in X individual and/or X official capacity

Address of Defendant ACF

Name of Defendant NORMAN D. BEZIO

(if applicable) Official Position of Defendant Director of Special Housing Unit and I.D.P.

(if applicable) Defendant is sued in X individual and/or X official capacity

Address of Defendant Albany

Name of Defendant Ms. Looney

(if applicable) Official Position of Defendant GRIEVANCE SUPERVISOR

(if applicable) Defendant is sued in X individual and/or X official capacity

Address of Defendant ACF

Name of Defendant Albion Correctional Facility

(if applicable) official Position of defendant \_\_\_\_\_

(if applicable) Defendant is sued in  individual and/or  official capacity  
Address of Defendant ACF

Name of Defendant Dr. Singhi

(if applicable) official Position of defendant Special Housing units doctor

(if applicable) Defendant is sued in  individual and/or  official capacity  
Address of Defendant ACF

Name of Defendant CAPTAIN Anthony Wiley

(if applicable) official Position of defendant CAPTAIN

(if applicable) Defendant is sued in  individual and/or  official capacity  
Address of Defendant ACF

Name of Defendant D. Bergman

(if applicable) official Position of defendant Correctional officer

(if applicable) Defendant is sued in  individual and/or  official capacity  
Address of Defendant ACF

Name of Defendant C.O. Walczyk

(if applicable) official Position of defendant Correctional officer

(if applicable) Defendant is sued in  individual and/or  official capacity  
Address of Defendant \_\_\_\_\_

Name of Defendant C.O. Ms. Johnson

Position Correctional Officer

Defendant sued in  individual and/or  official capacity

Address of defendant \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes        No       

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

       Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

       Judgment upon motion or after trial entered for

- plaintiff
- defendant.

**B. Have you begun any other lawsuits in federal court which relate to your imprisonment?**

Yes        No X

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_  
\_\_\_\_\_

Defendant(s): \_\_\_\_\_  
\_\_\_\_\_

2. District Court: \_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Name of District or Magistrate Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes        No       

If not, give the approximate date it was resolved. \_\_\_\_\_

on the date of incident 1/13/09 - present

defendant (give name and position held of each defendant involved in this incident)

Superintendent William Powers, Dept. of Security Sandy Amoa, Captain Anthony Wiley,  
Sgt. T. Richardson, Director SHU / IDP Norman R. Bezio,

did the following to me. Neglected to provide me with assistance in harassment complaints, they ARE involved and allowed fraudulent acts to be committed against me. They have tampered with my mail by holding them for weeks, they deny my rights to everything including grievance process, adequate evidence in FOIL requests and refusing to hand over evidence audio tapes that I paid for to Albany and neglect. They allowed the I.G. to have sovereign power over everything including the investigation, my Admin. Seg. reports, witnesses and letting its consultants to advise what they want to happen. Also allowing the package room to hold my packages for months. Allowing doctors to ignore medical request. Allowed forced indecent exposure. The constitutional basis for this claim under 42 USC §1983 is: due process, adequate medical treatment + rights to property, protection, neglect in harassment complaints, fraud, sovereign power, civil rights.

The relief I am seeking for this claim is # 500,000

Exhaustion of Your Remedies for this claim

Did you grieve or appeal this claim ✓ yes — NO if yes what result denied

Did you appeal that decision ✓ yes — NO if yes what result denied

If you did not exhaust your administrative remedies, state why you did not do so

did the following to me (briefly state what each defendant named above did): they conducted a long interrogation after I requested my family and lawyer. Both of them conspired to have me put in the special housing unit. Kendra and Spanier controlled the entire situation in keeping me in shu. They investigated, became witness for each others reports and witnesses for the incident. They also were the consultants for holding me due to their reports and the decision to release me from Administration segregation. Together they interrupted my due process in grievances and controlling my mail in and out, making all testimony confidential.  
The constitutional basis for this claim under 42 U.S.C. § 1983 is: 14th Amendment due process clause  
8th Amendment inhumane treatment. 1st Amendment access to council abuse of power  
The relief I am seeking for this claim is (briefly state the relief sought): RELIEF FROM SHU ADMISSION CHARGES AGAINST THEM AND MONETARY DAMAGES. \$10,000

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim?  Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, what was the result? DENIAL without facts

Did you appeal that decision?  Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, what was the result? denial. ACF did not provide all evidence I paid for

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: SCINE I did not exhaust because they are lost and it is of no use.

**If you have additional claims, use the above format and set them out on additional sheets of paper.**

**6. RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

Federal charges be place on all defendants And monetary damages, They are to be jailed and monitored to ensure others do not attempt to harm others, as an example, I want a full investigation

Do you want a jury trial? Yes  No \_\_\_\_\_

A. FIRST CLAIM: On (date of the incident) April 10, 2007 until PRESENT defendant (give the name and position held of each defendant involved in this incident) Dr. Singh And Medical staff and Albion Correctional Facility

did the following to me (briefly state what each defendant named above did): Once Admitted to this facility I made medical aware of my pain and medications needed. I provided doctor notes and primary visits to get continuation of prescribed medications. They were never given as far as pain except I muscle relaxer. Alternates for pain that don't work fully. I was put through many allergy medications until Benadryl was given. Once my prescription ran out and I was placed in (the special) Housing Unit I was denied the Benadryl and pain medications I received at home. His excuse was it made me sleepy causing pain stress and mental anguish.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: 8<sup>th</sup> Amendment, Adequate medical CARE,

The relief I am seeking for this claim is (briefly state the relief sought): Adequate medical care and monetary damages. \* 100,000

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? X Yes \_\_\_\_\_ No If yes, what was the result? None, Negligence

Did you appeal that decision? X Yes \_\_\_\_\_ No If yes, what was the result? This Application

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: \_\_\_\_\_

A. SECOND CLAIM: On (date of the incident) 1/13/09

defendant (give the name and position held of each defendant involved in this incident)

NYS DOCS investigator G. Kender and NYS DOCS investigator J. Spangler.

 <b>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</b> <b>INMATE GRIEVANCE PROGRAM</b> <b>SUPERINTENDENT</b>	GRIEVANCE NO.	DATE FILED
	ALPC #9912-09	03/31/09
	FACILITY	POLICY DESIGNATION
	Albion Correctional Facility	
	TITLE OF GRIEVANCE	CLASS CODE
	Questioning by I.G.	49
SUPERINTENDENT'S SIGNATURE	DATE	
	4/9/09	
GRIEVANT	DIN #	HOUSING UNIT
DAVIS-PAYNE, Chanikka	07G0308	SH-OB-017

This grievance was investigated by a security supervisor who interviewed inmate regarding her complaint against staff member of the NYS DOCS Inspector General's Office. Grievant did not provide any additional information and no witnesses were named claiming it is all spelled out in the complaint.

Inspector General's Office staff named in this grievance responded in writing denying all allegations as stated in said complaint.

Investigation revealed staff interview took three (3) hours to complete because grievant was combative when answering questions. Grievant often "rambled" on and asked numerous questions that did not pertain to the investigation. It appears grievant has no merit to her complaint about the time-frame of the interview. Issues where she alleges coercion and conspiracy would be handled through the appeal process and are not a grievance issue. She has the right to address those issues by appealing her administrative segregation decision.

In conclusion, there is no merit to this grievance, therefore, it is denied.

ALBION CORRECTIONAL FACILITY  
RECEIVED

APR 14 2009

IGRC

ALBION CORRECTIONAL FACILITY  
RECEIVED

APR 10 2009

IGRC

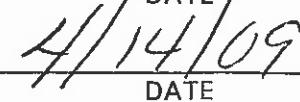
#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C.

\_\_\_\_\_  
\_\_\_\_\_  
**GRIEVANT'S SIGNATURE**

  
\_\_\_\_\_  
**GRIEVANCE CLERK'S SIGNATURE**

\_\_\_\_\_  
**DATE**

  
\_\_\_\_\_  
**DATE**

FBI - NEW YORK DIVISION ALPC-9912-09

IGRC

ON 1/13/09 I WAS CALLED TO THE ADMINISTRATION BUILDING AND INTERROGATED FROM 2 PM UNTIL 5:10PM BY NYS DOCS IG INVESTIGATOR KINDEA AND ANOTHER (NAME UNKNOWN FEMALE) DURING THE QUESTIONING I ASKED FOR MY LAWYER AND OR FAMILY BECAUSE THE QUESTIONING WAS OUT OF LINE ABOUT AN OFFICER AND ACCUSATIONS MADE BY UNKNOWN ROOMMATES. BEING I COULD NOT PROVIDE THEM WITH ANY HELP (WHICH IS NOT MY JOB) I WAS ESCORTED TO SHU BY SGT. BILLUPS. ONCE IN SHU SGT. WATSON SAID I WAS PLACED HERE UNDER ADMINISTRATION SEGREGATION AND IT WAS NOT DISCIPLINED. THE NEXT MORNING I WAS GIVEN A COPY OF THE ADMINISTRATION SEGREGATION RECOMMENDATION, WRITTEN BY IG KINDEA AND APPROVED BY LT. REYES. MY HEARING WAS STARTED ON 1/21/09 BY CAPTAIN A. WILEY. IT WAS adjourned until 1/24/09 for questioning of witnesses, in which I did not understand because THERE WAS NO INCIDENT. ONLY J.G. KINDEA WAS QUESTIONED (WHO WROTE THE RECOMMENDATION) AND HIS TESTIMONY WAS NOT MADE AVAILABLE TO ME; IT WAS DEEMED CONFIDENTIAL AND IT WAS ALREADY PRE-DETERMINED THAT I WAS TO REMAIN IN SHU. I ASKED DURING THE HEARING "WAS THIS BASED ON HE SAID SHE DID NOT FINDS AND HE CAPT WILEY AGREED. I STATED SEVERAL TIMES THAT I DO NOT UNDERSTAND. I HAVEN'T BEEN IN ANY INCIDENTS TO SHOW THAT (SUPPORT) MY PRESENCE IN POPULATION CAN HARM OR INTERRUPT HIS INVESTIGATION OR USING THE PHONE (CALLING MY FAMILY AND LAWYER) CAN PUT THE SECURITY OF THE FACILITY AT RISK. I ASKED SPECIFICALLY HOW CAN I STOP J.G. KINDEA FROM ASKING QUESTIONS WALKING AROUND INVESTIGATING OR ANY OF THE X'S. I ASKED THAT IT BE MADE CLEAR TO ME THE FACTUAL BASIS OR REASONING THAT I AM A THREAT OR CAN STOP THE INVESTIGATION. IT WAS ONCE AGAIN STATED THAT I CAN NOT KNOW ANYTHING IN WHICH PREVENTED ME THE RIGHT TO CALL WITNESSES ON MY BEHALF AND PROPERLY DEFEND MYSELF WITH STATEMENTS OR FACTS IN WHY I SHOULD NOT BE SEGREGATED. COMPLETELY VIOLATING ME AND DENYING ME ANY RIGHTS. AS INVESTIGATOR KINDEA STATED THIS INVESTIGATION HAS BEEN ONGOING BEFORE 1/13/09 IN WHICH I HAD BEEN PREVIOUSLY QUESTIONED ABOUT AND I NEVER HAD A PROBLEM NOR DO I CARE ABOUT IT. IT WAS NEVER MADE CLEAR TO ME AT ANY TIME DURING MY HEARING OF WHY I AM BEING HELD IN ADMINISTRATIVE SEGREGATION. IT IS APPARENT THAT J.G. KINDEA AND CAPT. WILEY CONSPIRED BEFORE HAND TO KEEP ME IN ADMIN SEC. AND AWAY FROM MY FAMILY AND LAWYER TO ASSIST ME IN MY NEED FOR HELP. MY TIER II TICKET ALSO HAS J.G. KINDEA'S SIGNATURE STATEMENT. ALL OVER IT, LT. BIVENS REASON FOR THE 30 DAY KEEP LOCK AND ECT WAS "CORRESPONDENCE VIOLATIONS PLACE THE SAFETY AND SECURITY OF THE FACILITY AT RISK. THE SAME STATEMENT MADE 3 DAYS PRIOR BY J.G. KINDEA TO PLACE ME IN SHU. IT IS APPARENT THAT J.G. KINDEA IS EXERCISING AND HAD PARTLY CONTROL OF THE ADMINISTRATION SEGREGATION TO GET WHAT HE WANTS, DETERMINATION TO KEEP ME FROM GETTING HELP AND THE FACT THAT MY MAIL IS NOT READING MY FAMILY IS ANOTHER PROVEN FACT, BY STATEMENTS MADE BY MY FAMILY OF NOT RECEIVING CORRESPONDENCE. BY CONTINUOUSLY USING THE WORDS ONGOING INVESTIGATION BEFORE HAND AND BY OTHERS INDICATE PRE-MEDITATION TO KEEP ME IN SHU WITHOUT ANY FACTUAL REASONING AND AWAY FROM MY LAWYER AND FAMILY IN WHICH MY PHONE IS THE WIRELESS WHO IS AVAILABLE. I AM NOT IN FEAR OR A DANGER TO POPULATION AND I BELIEVE THIS IS A PRESSUREING WAY TO FORCE ME TO SAY THINGS ABOUT OTHERS THAT ARE NOT TRUE AND I CAN NOT HELP. THIS IS HARASSMENT VIOLATING MY RIGHTS AND CONSPIRACRY AGAINST ME. THIS WHOLE SITUATION IS INFIDELICIOUS AND ARBITRARY PRE-MEDITATED CONTROL MY J.G. KINDEA, CAPT. WILEY, LT. BIVENS AND LT. REYES ARE CONSPIRING TO ASSIST J.G. KINDEA'S WANTS INSTEAD OF MAKING DECISIONS BASED ON ACTUAL FACTS IF THEY BECAUSE THERE ISN'T A INCIDENT FACTUALLY INVOLVING ME. HOLDING ME BECAUSE OF AN INVESTIGATION VIOLATES THE 72 HOUR RULE BECAUSE I AM STILL HERE. THE ONLY DANGEROUS PERSON TO THE FACILITY IS THE MAIL FROM THE MARSHALL ACTIS WHO HAS COME HERE TO MY GALLERY ON 1/14/09 AT 11 AM AND I HEARD HIM SPREADING RUMORS ABOUT ME TO 2 FEMALE OFFICERS. MORE UNPROFESSIONAL ACTS IN VIOLATING ME WITH THIS SUPPOSED CONFIDENTIAL INVESTIGATION. ALL AROUND I AM VIOLATED IN THE RIGHT TO LEGALLY PROTECT MYSELF WITH A LAWYER IN RELATING THIS HARASSMENT. DUE TO MY ACCUMULOUS AND FACTUAL PAPER WORK TO ACCOMPANY I SHOULD BE RELIEVED OF EVERY DISPOSITION WITHOUT PREJUDICE.

S/O: Grievance

FEB 19 2009 FILE # 09.027

Charges: Retaliation and Threats

IGRC

Today my hearing for my tier 2 ticket 113.15 unauthorized exchange and 116.13 Vandal / Poss. stolen property was conducted with testimony from my witness, whom the tickets statement for charges came from. The ticket involved a silver chain and cross charm belonging to my witness Pamela Barreus 08\*0200 which was confiscated from Celia Francis 07\*0843 in the J1 unit while I am in shu. Inmate Pamela Barreus 08\*0200 stated that the chain was not stolen and in fact at one time she had given the chain to me. During the hearing before and after my witness's testimony Lt. Biens became loud and threatening in demeanor. In fact when I wanted to have inmate Pamela Barreus questioned about exchanging anything for the necklace and charm I was cut off by his angry verbal lashes. He then found me guilty of the exchange charge 113.15. My witness stated a few times that the chain was only given to me and no statement of a exchange involved in her giving it to me. Definition of exchange is to give something in return or exchange for something else. Statement of evidence failed to show exchange. Example: American money is given to a Canadian bank in exchange for Canadian currency. There is no exchange involved in this situation. After the hearing was finished Lt. Biens gave me 30 days loss of packages and commissary after asking me off the record how long I am in shu for. He then stated to me that my witness is a liar and he is going to have Sgt. Boedaux who originally wrote my ticket, write her, inmate Barreus 08\*0200 for unauthorized exchange and lying then he is going to lock her up. I told him I'll be her witness because that is third party harassment and he stated no I won't because he won't let me be her witness. Anyone has a right to testify or call witness on a persons behalf. I had given Lt. Biens a few weeks ago and I feel all of this is retaliation for the grievance. He is pre-meditating an attack on my witness's life in population because she is my witness and the 30 day loss of comm. packages along with a ticket for he is his personal not professional acts in which he was hired to perform professionally. My ticket should have been handled without prejudice towards myself or Ms. Barreus. We should not have to succumb to Lt. Biens personal attack and retaliation causing a disturbance in population along with endangering the safety and security of the facility for his personal reasons by third party or any sort. He should be reprimanded from conducting any hearings involving me and this ticket's decision overruled.

Deborah Parrot  
0760308

4/11/09

0760308

Appeal for Grievance  
Denial # 9912-09

Shu B-17

Reason for appeal:

Decision is not factual based and is Arbitrarily and capricious followed by complaisance.

THE SECURITY SUPERVISOR who investigated this grievance has no factual merit to deny this grievance. The statement that it took 3 hours to complete the staff interview is just a complaint. Suggesting he did not want to spend the needed time to fully investigate. To state that I rambled on and was combative is a personal opinion which is irrelevant due to the fact that this is a professional job. Obstruction and conspiracy are a grievance issue. It is my decision what I want to grieve. It is said that I do not have a witness, which is not true. The tape recorder in itself is a witness and all statements that I quoted was factual and could be reviewed at sufficient time and put in to listen and hear the hearing. The staff member has the right to deny all allegations but that does not make him right. With a little comprehension and professionalism in the matter the facts to my allegations would have plainly revealed itself. Providing additional information is not required in a grievance. Every question that I asked and statement made during questioning did pertain to the investigation. There were no other situations discussed. This decision for denial is arbitrary and capricious along with the lack of factual evidence to stand against my allegations. In this appeal I am requesting the witness tape recording be heard and listened to along with a complete review of my grievance to ascertain the facts therein and overturn this denial decision without prejudice. Also the SHU B gallery cameras and microphones can be pulled to hear and see acts making alleged statements.

Respectfully  
CHANIKKA DAVIS  
0760308

ALBION CORRECTIONAL FACILITY  
RECEIVED

APR 14 2009

IGRC

ALBION CORRECTIONAL FACILITY  
RECEIVED

APR 13 2009

SUPERINTENDENT

NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES  
ALBION CORRECTIONAL FACILITY  
MEMORANDUM

TO: Davis-Payne, C. 07G0308 SH-OC-038

FROM: Capt. Wiley *Ashley Cest*

DATE: May 26, 2009

RE: FOIL Request, Several Video Tapes

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Be advised, requests for video tapes will only be honored for videos previously requested by inmates as part of a disciplinary hearing, or that already exists for departmental purposes and are deemed dis-closable under FOIL guidelines. Videos will not be created from the Loronix System in any other case due to the provisions in FOIL guidelines that documents do not need to be created in order to satisfy a request.

AJW/tlj

c: IRC  
File

CHARLES DAVIS - PAYNE  
676030E

Albion Correctional Facility  
3595 State School Rd  
Albion, New York  
14411

Records Access Office  
Department of Correctional Services  
Commissioner  
1220 Washington Ave, Building #2  
The Chancellor State Campus  
Albany, New York 12224

RE: Freedom of Information (AIS) Appeal

DEAR Commissioner:

I hereby appeal the denial of access regarding my request, which was made on 5/10/09 and sent to Inmate Records / Captain Anthony Wiley at Albion Correctional Facility 3595 State School Rd, Albion New York 14411. The records that were DENIED are copies of video tapes from the Lordex System for dates 3/29/09, 3/30/09, 4/12/09, 4/13/09, 4/11/09, 4/13/09, 4/15/09, 4/17/09, 4/18/09, 4/28/09, 4/11/09, and 5/3/09 which is evidence to my grievances.

As required by the Freedom of Information Law, the head or governing body of an agency, or whomever is designated to determine appeals, is required to respond within ten business days of the receipt of an appeal. If the appeal is denied for records, please explain the reason for the denial fully in writing as required by law.

In addition, please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, 41 Sims Street, Albany, New York 12231.

Sincerely

I have a lot of information to help prosecute if a US Attorney General is willing to prosecute. Everything I am stating has sufficient evidence to go with it. I believe they may be trying to ERASE the video footage to support my claims.

An investigation needs to be started immediately. I have others that will witness such actions and file their own complaints if they are assured assistance. Most of them are scared and have given up hope.

Chris J. R  
0760388

I can afford to pay the \$350.00

I just did not want to send it with this for fear of them reading my mail and retaliating against me. If the envelope writing does not match this writing then you know it was opened.

A stamp is a government seal so I placed a stamp on this.